



Attorney Docket: 1980P

CERTIFICATE OF MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents and Trademarks, Washington, D.C. 20231, on October 4, 2001.

  
Michele Liu

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Date: October 4, 2001

Gregory GARDNER et al.

Serial No.: 09/742,848

Group Art Unit: 2166

Filed: December 20, 2000

Examiner: To Be Assigned

For: IMPLEMENTATION OF A SUPPLY-BASED MANAGEMENT  
SYSTEM IN A NETWORK ENVIRONMENT

Office of Petitions  
Assistant Commissioner for Patents  
Box: DAC  
Washington, D.C. 20231

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**OCT 11 2001**

**OFFICE OF PETITIONS  
DEPUTY A/C PATENTS**

**DECLARATION UNDER 37 C.F.R. 1.47**  
**PROOF OF INVENTOR REFUSAL TO SIGN**

Sir:

1. Bharti Agrawal, Suresh Narayanaswamy, and Trung Dinh are joint inventors of the present application, along with Gregory Gardner and Amrit Jassal.
2. On or about December 19, 2000, I was informed by F. Esther Fan, Vice President of Legal Affairs for marketFusion, Inc., the assignee of the present application, that Mr.

Trung Dinh left marketFusion, Inc. on or about May 19, 2000 disgruntled and may not cooperate in executing the formal papers for the present application.

3. On December 19, 2000, I obtained from Ms. Fan the last known residence address for Trinh Dinh as 1820 Catherine Street, Santa Clara, CA 95050.

4. On December 20, 2000, the present application was filed with unexecuted formal papers.

5. On May 3, 2001, my office received a Notice to File Missing Parts of Nonprovisional Application, dated April 27, 2001, for the present application.

6. On or about May 10, 2001, I was informed by Ms. Fan that on or around April 2, 2001, Bharti Agrawal was laid-off from her employment with marketFusion, Inc.. I was also informed that on or around February 20, 2001, Suresh Narayanaswamy voluntarily terminated his employment with marketFusion, Inc. I was also informed by Ms. Fan that Ms. Agrawal and Mr. Narayanaswamy left marketFusion, Inc. disgruntled and may not cooperate in executing the formal papers for the present application.

7. On May 10, 2001, I received from Ms. Fan the last known address for Ms. Bharti Agrawal as 4319 Sila Ave, Palo Alto, CA 94306 and a last known telephone number of (650) 948-8117.

8. On May 10, 2001, I received from Ms. Fan the last known address for Mr. Suresh Narayanaswamy as 35904 Killorglin, Fremont, CA 94536 and a last known phone number of (408) 244-8762.

9. On information and belief, on August 22, 2001, Jinny Nguyen, a Legal Assistant employed at Sawyer Law Group, sent a copy of the present application, which includes the specification, claims, and drawings, along with unexecuted formal papers for the

present application, to Bharti Agrawal by Federal Express package. A cover letter accompanied the Federal Express package requesting that Ms. Agrawal sign and date the Declaration and Assignment and return the executed documents as soon as possible. A self-addressed Federal Express envelope was enclosed.

10. On information and belief, on August 30, 2001, the documents sent to Ms. Agrawal was returned indicating an invalid address.

11. On information and belief, on August 31, 2001, Grace Alicea, an Administrative Assistant employed at Sawyer Law Group, telephoned Ms. Agrawal to confirm her address to be 4319 Silva Avenue, Palo Alto, CA 94306. On the same day, duplicate documents were sent to Ms. Agrawal by Federal Express to the confirmed address of Ms. Agrawal.

12. On information and belief, on September 4, 2001, Ms. Nguyen sent a copy of the present application, which includes the specification, claims, and drawings, along with unexecuted formal papers for the present application, to Trung Dinh by Federal Express. A cover letter accompanied the Federal Express package requesting that Mr. Dinh sign and date the Declaration and Assignment and return the executed documents as soon as possible. A self-addressed Federal Express envelope was enclosed. Attached as Exhibit A is a copy of the cover letter, the Federal Express Airbill, and a proof of delivery from Federal Express.

13. On information and belief, on September 4, 2001, Ms. Nguyen sent a copy of the present application, which includes the specification, claims, and drawings, along with unexecuted formal papers for the present application, to Suresh Narayanaswamy by Federal Express. A cover letter accompanied the Federal Express package requesting that

Mr. Narayanaswamy sign and date the Declaration and Assignment and return the executed documents as soon as possible. A self-addressed Federal Express envelope was enclosed. Attached as Exhibit B is a copy of the cover letter, the Federal Express Airbill, and a proof of delivery from Federal Express.

14. On information and belief, on September 12, 2001, the documents sent to Ms. Agrawal was returned indicating an invalid address.

15. On information and belief, on September 12, 2001, Ms. Nguyen telephoned Ms. Agrawal concerning the return of the package and left a message on an answering machine.

16. On September 17, 2001, Federal Express confirmed via a facsimile that the delivery of the documents sent to Ms. Agrawal was attempted three times. Attached as Exhibit C is a copy of the cover letter accompanying the documents sent to Ms. Agrawal and the September 17, 2001 facsimile from Federal Express confirmed three attempted deliveries.

17. On information and belief, on September 13, 2001, Ms. Nguyen attempted to contact by telephone Mr. Narayanaswamy and Mr. Dinh. However, their phone numbers were invalid, and their current numbers were not listed.

18. As of October 3, 2001, neither Mr. Narayanaswamy nor Mr. Dinh has returned executed formal papers. I also have not received any communications from Mr. Narayanaswamy nor Mr. Dinh

19. As of October 3, 2001, Ms. Agrawal has not returned executed formal papers or returned telephone messages from Ms. Nguyen.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

10/4/2007  
Date

Michele L.  
Michele Liu  
Attorney for Applicant  
Reg. No. 44,875  
(650) 493-4540



JOSEPH A. SAWYER, JR.  
JANYCE R. MITCHELL  
STEPHEN G. SULLIVAN

MICHELE LIU  
JOYCE A. TOM

SUITE 406  
2465 E. BAYSHORE ROAD  
PALO ALTO, CALIFORNIA 94303

TELEPHONE (650) 493-4540  
FACSIMILE (650) 493-4549

September 4, 2001

VIA FEDERAL EXPRESS  
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Trung Dinh  
1820 Catherine Street  
San Jose, CA 95050

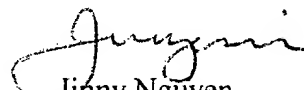
Re: United States Patent Application No.: 09/742,848  
Title: IMPLEMENTATION OF A SUPPLY-BASED MANAGEMENT  
SYSTEM IN A NETWORK ENVIRONMENT  
Applicant: marketFusion, Inc.  
Our Reference: 1980P

Dear Mr. Agrawal:

The above-referenced application was filed in the United States Patent and Trademark Office on December 20, 2000. As a named inventor in this application, your signature is required on the enclosed Declaration/Power of Attorney and Assignment. Therefore, enclosed is a copy of the patent application, which includes the specification, claims, and (8) sheets of drawings. Please sign and date the Declaration and Assignment as indicated, and return the executed documents to our office as soon as possible. For your convenience, a Fed Ex envelope is enclosed.

Your prompt attention to this matter is greatly appreciated. If you have any questions or comments, please do not hesitate to contact our office.

Very truly yours,

  
Jinny Nguyen  
Legal Assistant

Enclosures  
MARKETFUSION\090401.1980P

Federal Express Corporation  
Customer Support  
Domestic Trace  
3875 Airways Boulevard  
Module H, 4th Floor  
Memphis, TN 38118

U.S. Mail: P.O. Box 727  
Memphis, TN 38194-4843

Telephone: (901) 369-9800



Wednesday, September 19, 2001

This is in response to your request for proof of delivery for package tracking number 829196952469. You will find the delivery information below.

**SHIPMENT INFORMATION:**

**Billing Reference Information:**

Tracking Number: 829196952469

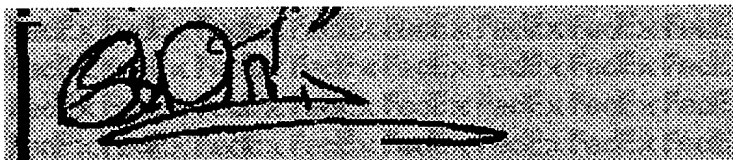
Ship Date: Tuesday, September 04, 2001

Shipper:  
G ALICEA  
SAWYER LAW GROUP LLP  
2465 E BAYSHORE RD STE 40  
PALO ALTO, CA 943033228

Recipient:  
TRUNG DINH  
MARKETFUSION  
1820 CATHERINE ST  
SANTA CLARA, CA 95050  
US

**DELIVERY INFORMATION:**

Signed for by: T.DING ✓



Delivered to: 1820 CATHERINE ST  
Delivery Date: Wednesday, September 05, 2001  
Delivery Time: 11:49 AM

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Your business is greatly appreciated and we look forward to the opportunity of serving your future express shipping needs.

Federal Express Corporation  
Worldwide Customer Service  
1-800-Go-FedEx  
Reference No: R2001091900033784792



JOSEPH A. SAWYER, JR.  
JANYCE R. MITCHELL  
STEPHEN G. SULLIVAN

MICHELE LIU  
JOYCE A. TOM

SUITE 406  
2465 E. BAYSHORE ROAD  
PALO ALTO, CALIFORNIA 94303

TELEPHONE (650) 493-4540  
FACSIMILE (650) 493-4549

September 4, 2001

VIA FEDERAL EXPRESS

Suresh Narayanaswamy  
35904 Killorglin  
Fremont, CA 94536

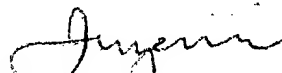
Re: United States Patent Application No.: 09/742,848  
Title: IMPLEMENTATION OF A SUPPLY-BASED MANAGEMENT  
SYSTEM IN A NETWORK ENVIRONMENT  
Applicant: marketFusion, Inc.  
Our Reference: 1980P

Dear Mr. Narayanaswamy:

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Very truly yours,

  
Jinny Nguyen  
Legal Assistant

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Enclosures  
MARKETFUSION\090401.1980P



Federal Express Corporation  
Customer Support  
Domestic Trace  
3875 Airways Boulevard  
Module H, 4th Floor  
Memphis, TN 38118

U.S. Mail: P.O. Box 727  
Memphis, TN 38194-4843

Telephone: (901) 369-9800



Wednesday, September 19, 2001

This is in response to your request for proof of delivery for package tracking number 829196952470. You will find the delivery information below.

**SHIPMENT INFORMATION:**

Billing Reference Information:  
MARKETFUSION 1980P

Tracking Number: 829196952470

Ship Date: Tuesday, September 04, 2001

Shipper:  
G ALICEA  
SAWYER LAW GROUP LLP  
2465 E BAYSHORE RD STE 40  
PALO ALTO, CA 943033228

Recipient:  
SURESH NARAYANASWAMY  
MARKET FUSION  
35904 KILLORGLIN  
FREMONT, CA 94536  
US

**DELIVERY INFORMATION:**

Signed for by: S.NARAYANSWAMY



Delivered to: 35904 KILLORGLIN  
Delivery Date: Wednesday, September 05, 2001  
Delivery Time: 04:16 PM

Your business is greatly appreciated and we look forward to the opportunity of serving your future express shipping needs.

Federal Express Corporation  
Worldwide Customer Service  
1-800-Go-FedEx  
Reference No: R2001091900033784262

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JANYCE R. MITCHELL  
STEPHEN G. SULLIVAN

MICHELE LIU  
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SUITE 406  
2465 E. BAYSHORE ROAD  
PALO ALTO, CALIFORNIA 94303

TELEPHONE (650) 493-4540  
FACSIMILE (650) 493-4549

August 31, 2001

48-8117

VIA FEDERAL EXPRESS

Bharti Agrawal  
4319 Silva Avenue  
Palo Alto, CA 94306

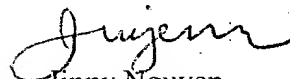
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Very truly yours,

  
Jinny Nguyen  
Legal Assistant

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Enclosures  
MARKETFUSION083101.1980P

Customer Relations  
Delivery Code 4634  
3875 Airways Boulevard, 3rd Floor  
Memphis, TN 38110

US Mail Box 727  
Memphis 38194-4634

Telephone 901.922.1616  
Fax 901.922.1539



**FedEx**  
Express

**VIA FACSIMILE**

September 17, 2001

Ms. Grace Aliea  
Sawyer Law Group LLP  
2465 East Bayshore Rd., Ste. 40  
Palo Alto, CA 94303  
**650-493-4549**

Dear Ms. Aliea:

The problem encountered with your August 31 shipment to Market Fusion has been brought to my attention.

I sincerely apologize for the inconvenience caused by this incident. We are certainly aware that our customers expect only the best possible service, and we are concerned with your report that the recipient has advised you that no door tags were received for our three unsuccessful delivery attempts. Our courier has documented the attempts as occurring at 4319 Silva Avenue on September 4 at 9:53 a.m., September 5 at 10:57 a.m. and September 6 at 11:53 a.m. This report and your concern that this is the second package to this address with similar events has been forwarded to management has been alerted to ensure appropriate review and corrective action. Arrangements have been made, of course, to delete the charges for package tracking number 829196952436.

We value the trust our customers place in us to handle their priority package needs. I hope that you have found our efforts in the past to be satisfactory in every other respect.

Sincerely,

Oran Quintrell  
Customer Relations

oq

cc: Karen Anderson, Sr. Manager, FedEx/Menlo Park

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